



## **CITY OF DANBURY**

155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

PLANNING COMMISSION  
(203) 797-4525  
(203) 797-4586 (FAX)

### **MINUTES JANUARY 3, 2007**

The meeting was called to order by Chairman Arnold Finaldi Jr. at 7:30 PM.

Present were John Deeb, Arnold Finaldi Jr., Edward Manuel and Alternates Paul Blaszk and Joel Urice. Also present was Associate Planner Jennifer Emminger and Deputy Planning Director Sharon Calitro.

Absent was Kenneth Keller.

Chairman Finaldi announced that Matthew Kennedy has resigned from the Commission. He then asked Mr. Blaszk to take Mr. Keller's place and Mr. Urice to take Mr. Kennedy's place for the items on tonight's agenda.

Mr. Urice made a motion to table the acceptance of the minutes as they are not yet complete. Mr. Blaszk seconded the motion and it was passed unanimously.

#### **PUBLIC HEARINGS:**

7:30 PM – Omnipoint Communications Inc./T-Mobile – Application for Special Exception for a Wireless Telecommunications Facility on an Existing Sign – 78 Federal Rd. (#L09025) – SE #640.

Mr. Blaszk read the legal notice. Jennifer Young Gaudet explained they want to place three antennas inside a canister on top of a sign at 78 Federal Rd. She said this is similar to what is across the street from City Hall at the Congregational Church. There will be an equipment cabinet on the ground which will be surrounded by required fencing and landscaping. They have received comments from both the Planning Dept. and the Engineering Dept. She said the Engineering Dept. had expressed concern about a possible conflict with the underground utilities, but the sewer is at a 4 ft depth, and the wiring for this installation would be at a 3 ft. depth. She added that the installation for the concrete pad is a depth of one foot. She said they would accept a condition to require hand digging in this area. She said both the Planning staff and the Zoning Board of Appeals had expressed concern about the color of the canister. They had selected green to match the existing signs, but suggested the Commission refer to the color simulations which were included with the application. She said they are willing to change the color if the Commission determines it is necessary. She then gave a lengthy explanation of why site is the best site for this installation. In closing she said they cannot disguise the sign since



Mr. Blaszkowski said there was a lot of talk about the State's proposed changes but they were designed strictly to enhance Exit 6, and have very little to do with Padanaram Rd. He said the outcome of the State changes will be moving the stacking at the exit and migrating it up the road onto Padanaram Rd. He said these changes will only constrict this intersection even further by moving many more cars into this area.

Chairman Finaldi said this once again puts the Commission in the all too familiar position where they are looking at significant existing traffic problems, while the applicant's experts are making the argument that their proposal will not make the situation any worse. He said the applicant's traffic report pointed out all of the problems, but until we figure out how to slow down the volume, there are not many answers. He said regarding this application, the traffic issue is two-fold: (1) until we change Padanaram Rd., there will be no improvement to this immediate area; and (2) the vast array of problems affecting the internal traffic flow within North St Shopping Ctr. includes traffic cueing, backup issues, and just way too many cars with no solution in sight. He made reference to the comments from the City Traffic Engineer. Mrs. Emminger requested the Commission members review the applicant's traffic reports, the City Traffic Engineers comments and the applicant's responses to them. She said the correspondence between them is very relevant to this decision.

Mr. Manuel said this is not just about moving the existing Burger King across the street into the Shopping Ctr., they will be adding another entity here, since their former site will be vacant. Another fast food restaurant can just move right into the former site because it is approved for that use. Mr. Deeb said that is not a reason to deny this if the zoning allows it. Chairman Finaldi said the City Traffic Engineer did bring up some really significant issues. Mr. Blaszkowski reminded them that the applicant's traffic engineer is only looking at this application, not at the long term impact this proposal will have on the area. Mr. Urice said the applicant's are presenting an incremental report which only addresses their proposal and he is just not comfortable with what they have proposed. He said the intent of the DOT's proposed changes is to get the traffic off of I-84, not to help the situation on Padanaram Rd. Mr. Urice made a motion to table this matter until the next regular meeting. Mr. Manuel seconded the motion and it was passed unanimously.

#### NEW BUSINESS:

Sandpit Investors LLC – Application for Special Exception to allow use (new Medical Office in conjunction with existing Warehouse/Office) generating in excess of 500 vehicle trips per day – 79-81 Sandpit Rd. (#K10044) – SE #653. Public hearing scheduled for January 17, 2007.

Salvatore L. Scallop, Joseph V. Scalzo & Angelo P. Scalzo Jr. – Application for two (2) lot Re-subdivision (2.02± acres) "Scalzo Re-subdivision/Lot 12" in the RA-40 Zone – 5 Jams Dr. (#K07052) – Subdivision Code #06-11. Public hearing scheduled for February 7, 2007.

Codfish Hill Construction LLC – Application for Special Exception to allow Housing Incentive Option ("Caroline Commons") in the RMF -4 Zone. This is an Affordable Housing Application. – 26 South St. (#K16145) – SE #654. Public hearing scheduled for March 7, 2007.

Chuck Saber – Application for Floodplain Permit – "Safe & Sound Storage", 10 Great Pasture Rd. (L15008-009) – SP #99-20.

Chairman Finaldi said these applications would be on file in Planning & Zoning Office.

Mr. Urice made a motion to table this matter. Mr. Manuel seconded the motion and it was passed unanimously.

Mrs. Calitro explained that this is a request from Salame Plaza for the City to grant an easement to S.NE.T. (d/b/a AT&T CT) to install an aerial telephone cable across a portion of the Sauer Memorial Park on Beaver St. The sole purpose of this easement is to provide telephone service for a tenant within Salame Plaza. The proposed aerial line would begin at the building in Salame Plaza and traverse across the Still River to an existing utility pole in the Sauer Memorial Park. The line would then run overhead to another existing pole on the east side of Beaver St. She said the proposed easement language posed many interesting questions which needed to be addressed. We had tabled this at the previous meeting so we could discuss with Corporation Counsel whether as a matter of legal policy, we should reject any easement language that would allow broad rights of assignment to any public utility company. In this specific situation, the way this clause is written, it would enable the telephone company to assign these aerial rights to another utility company as long as it is regulated by the Department of Public Utility, without any permission required from the City. She then said that the applicant had provided responses to many of the questions in her memo, but that the overriding issue here is whether the City should enter into agreements that give public utility companies easement rights through public parks that will benefit private citizens. Mrs. Calitro added that it is the opinion of the Planning Department that the granting of rights for overhead public utilities through municipal parks is not in the best interest of the public. Mr. Urice made a motion to give this a negative recommendation because the Commission does not believe we should grant any easements over public parks. Mr. Manuel seconded the motion and it was passed with three Ayes. Chairman Finaldi and Mr. Deeb abstained from the vote on this matter.

This request is from the Superintendent of Public Utilities for easements across the land of Danbury Acquisition Corp. and Interstate Business Ctr. to provide electric and telephone service to the West Side Sewer Interceptor structure. This is located off of Prindle Rd. on land owned by Interstate Business Ctr. The pump station and floodplain permit were approved in November 2006. These easements are necessary to comply with the approved design of this structure. Mr. Deeb made a motion to give this a positive recommendation provided the extension meets the following requirements: (1) the approval of the design, benefit assessment determination and financing provisions, construction, installation and inspection requirements of the City of Danbury and the Departments of Engineering and Public Utilities, and (2) submission of all

required legal documents in form and content acceptable to Corporation Counsel. Mr. Urice seconded the motion and it was passed unanimously.

8-24 Referral/December '06 CC Agenda Item 10 – Application for Water and Sewer Extension at 176 Shelter Rock Rd.

The purpose of this request was to serve a multi-family development on Shelter Rock Road. The applicant had submitted a site plan application under Section 8-30g of the Connecticut General Statutes (Affordable Housing Land Use Appeals) for the construction of 10 units consisting of two multi-family structures and a single family dwelling. In November 2006, the Planning Dept. denied this application. Due to the fact that the City is now exempt from Section 8-30g of the Statutes, the application cannot be re-submitted because the existing zoning on the site does not permit multi-family structures. Mr. Urice made a motion to give this a negative recommendation because although this is within the Proposed Sewer Service area and is served by Public Water, the site plan application which was submitted in conjunction with this request has been denied by the Planning Department. Mr. Blaszk seconded the motion and it was passed unanimously.

8-24 Referral/December '06 CC Agenda Item 11 – Application for Water and Sewer Extension for Interstate Business Center LLC, Prindle La.

Site Plan approval for this site was issued in August 2003. The site was to be served by an extension of municipal sewer and water service. This approval also proposed a future revision to the site plan to accommodate connections to both the West Side Sewer Interceptor and an extension of the municipal water main. This site is within the area proposed to be served by municipal utilities and the City is proceeding with the West Side Sewer Interceptor project with the intention of this project connecting to it and the City water main extension. Mr. Urice made a motion to give a positive recommendation because the Plan of Conservation and Development identifies this site as within an area proposed to be served by municipal utilities. Additionally, the City is proceeding with the West Side Sewer Interceptor Project and it is proposed that this project will connect to such sewer interceptor and to the City's water main extension. Mr. Manuel seconded the motion and it was passed unanimously.

8-24 Referral/December '06 CC Agenda Item 13 – Renaming and Renumbering of Briar Ridge Rd.

This is a request to establish an Ad Hoc committee for the purpose of reviewing the naming and numbering on Briar Ridge Rd. Since this road is comprised of two sections that do not connect, there is continued difficulty with mail and service delivery. The POCD specifically suggests that connecting these two roadways would not be a good idea. The nature of the road way (if connected) would result in an increase in traffic and encourage speeding, which would be detrimental to the adjacent residential properties. There are several options available to resolve the problems noted in the request. The options are that the City could renumber all existing

The Common Council received a request to establish an Ad Hoc Committee for the purpose of recommending whether the City should adopt an ordinance that would allow for the abatement of property taxes on open space land. Public Act 06-128, which became effective October 1, 2006, defines open space and allows municipalities to adopt an ordinance establishing a program that permits property taxes to be abated in exchange for the transfer to the municipality of development rights, conservation easements, rights-of-way or any combination thereof, to open space land. An ordinance must contain specific provisions, such as, it must specify how property owners may apply for the abatement and it must require that the land's value be appraised with and without the development rights. Additionally, the abatement may not exceed the market value of the open space land, may be transferable to any other taxable property in the municipality owned by the applicant, and may exist for a period of time to be determined by the Common Council. This type of abatement is separate from the property tax benefit available to open space land owners under the 490 Program, which is one by which Tax Assessors classify land based on the land's current use value without regard to its potential resale or fair market value. A lower assessment under this Program results in a smaller tax bill for that portion of the property designated as open space. The language of this new Public Act is both complicated and ambiguous. While the Planning Dept. supports the preservation of sensitive land for open space and the acquisition of properties noted in the POCD, this Act raises many questions. These questions, the language of the Act itself, and the potential implications resulting from the adoption of an ordinance require careful consideration and evaluation. Interdepartmental discussions will be required as well as input from other land use commissions if indeed there is consideration of the transfer of development rights and/or tax abatements to other parcels. A program that provides for the transfer of development rights is especially complex and has potentially significant growth policy issues. Mr. Manuel made a motion to request additional time from the Council for this referral as the outstanding questions and policy implications cannot be resolved within 30 days. Mr. Blaszkowski seconded the motion and it was passed unanimously.

Mrs. Calitro referred to a letter dated December 12, 2006 written by the Planning Director regarding this matter. The letter said that the Council is considering an ordinance to require a public hearing before any land is sold, leased or transferred to the City. Sec. 8-24 of the CT General Statutes already requires the Common Council to refer any of these proposals to the Planning Commission for an opinion. The letter went on to describe the various reasons that

